

1891-008
Lee Co.

Chancery Causes: James Herd + wife vs. Enoch Herd + wife &

Robinet

3 Plats

CA-Estate Dispute
T-Property

To the Hon. H. S. K. Morrison Judge
of the Circuit Court of Lee Co Va
Your complainants James Herd
and Laura Herd his wife, the
latter an infant, ones by the
said James Herd her husband
and next friend, Humbly
Complaining would respect-
fully represent, that one John
D. Robinett late of this county
now deceased, was at the time
of his death the owner of a
small but valuable real estate
situated in this county adjoining
the Tenn State line, whereon he
resided at the time of his death
and is properly described by
his deeds and title papers, now
of record in this County.

The said John D. died intestate
and these lands descended to his
children as his heirs at law.
viz: Your female complainant,
William Robinett, Elizabeth Rob-
inett and Donie Robinett, four
in number, he also left a widow
Martha Robinett, who has since
intermarried with, and is now the
wife of Enoch Herd, and she

is entitled to dower in these lands.
All of the children are infants
under 21 years of age.

The personal estate was ample
for the payment of debts, and
they have all been settled up
by Pryor Miller the administra-
tor of said estate; and the lands
are quite susceptible of partition.

The object of this bill therefore
is to have partition made of
said lands among the four said
heirs and the dower of Martha
Herd laid off so that it may
bear equally on each of said
shares.

The prayer of your com-
plainants therefore is that
Enoch Herd and Martha Herd
his wife, William Robinett
Elizabeth Robinett and Donie
Robinett be made parties de-
fendants to this bill and an-
swer the same. That a guardian
ad litem be appointed to answer
and defend said infants. And
on a hearing a decree be ren-
dered, making partition of

said land, and assigning the
wider stores therein. And for
all after further and general
relief may supra issue &c.

A. L. Prichard

p. 9.

Hyatt L 15.29
 " G. A. L. 5.00
 S 2.00
 A 15.00
 Camus 30.00
 Leade - 2.91

\$70.20

James Herd & wife

Bill Chy

Enoch Herd & wife et al

1890 1st Mr. Rules Bill

Filed 3rd Dec 2nd Dec & D. C. A.
 And G. A. L. filed

" 2nd Mr. Rules D. C. A. Confd
 & Cause set for hearing

" Mr. Decree for
 partition & costs

" Aug. Continued

" Dec. "

1891. March. Decree

final

Deed Book 27

Page 123 &c

J. K. Gibson

James Herd & wife
vs
Enoch Herd et al } In shancey.

The joint answer of Jm Robnett,
Elizabeth Robnett, and Sonie Robnett
infants under the age of 21 years, by J. A.
H. Hyatt their guardian ad litem, as-
signed to defend them in this suit, to a
bill of complaint exhibited against him
and others in the Circuit Court for Lin
coln County by James Herd and wife.

Your respondents reserving to them-
selves the benefit of all just exceptions
to the said bill, for answer thereto, or to so
much thereof as they are advised that
it is material they should answer, by this
said guardian ad litem, answer says:-

That they are all infants of tender years
and by reason of their infancy is incap-
able of understanding, or of taking care
of their rights and interests. They, therefore
by their said guardian, committed them-
selves and their rights and interests to the
protection of the Court, and pray that
no decree may be pronounced which will
bind to their prejudice. Now having fully
answered, the said respondents pray to be
dismissed with their reasonable costs
in this behalf expended. And they will ever
pray &c.

J A H Hyatt
guardian ad litem for said infants

Enoch Hurd et al

vs } A. G. A. C.

James Hurd et al

Filed at 1st March
Rulia 1890

J. A. Hyatt ©

L. A. L. G. \$5.00

James Herd & wife
against
Enoch Herd & wife et al. } Lachy -

This cause came on again to
be heard & the papers formerly
read & the report of Prior J.
Miller, G.B. Hallen & John M
Late Commissioners filed December
10th 1890 to which there are
no exceptions & was argued by
Counsel, on consideration of
which & for reason appearing
to the Court it is adjudged, ordered
& decreed that Martha Herd as
the widow of John D Robinett dec'd
take & hold for & during her
natural life the lot of land
assigned to her by said Court
as & for her dower interest as
shown by said report & the
plat accompanying the same.
That Wm Robinett take & hold
Lot. No. 1 as shown by the maps
& bounds of said plat & report.
That Laura ~~Herd~~ ^{the wife of James Herd} take &
hold Lot No. 2 & that Dona Robi-
nett so take & hold Lot. No. 3,
that Elizabeth Robinett so take

& hold Lot No. 4, & the Clerk of
this Court will deliver to the
Clerk of the County Court the de-
cree directing partition in this
Cause, the report ~~of~~ ^{of} ~~the~~ ^{of}
making partition of the same
& the latter Clerk will record
the same in the book kept
by him for the recordation of deeds
& will index the same as deeds,
& will then deliver said papers
back to the Clerk of this Court.
It is adjudged, ordered & decreed
that the Guardian of Wm Robinett,
Laura Herd the Guardian of Dona
Robinett ^{& Elizabeth Robinett} each pay one fourth
of the costs of this suit &
the same is decreed to be a lien
upon each Lot herein above as-
signed. No further action being
necessary the cause is stricken
from the docket.

James Hord & wife
vs 3 Decemfina

Enoch Hord & wife & af-
April 7. 1891-

Entered in Chas O.P.
D. 328-9. April 2. 1891.
J. A. Hyatt C.

Enter this
April 2 1891-
H. S. M.

James Herod receipt

Decree for
Partition

Enoch Herod receipt

March 7, 1890

Enterer's Order

3.73. page 263

Page 263

Enterer's

Apr 2 1890.

H. H. H. H.

to the right of clerks. They will make a
plat & report showing by meter & boundary
said clerks & each lot, and that part of
each lot covered by the clerks. They will
make report & file & with the same file
said plat at the next term of this
Court & the cause is continued.

Virginia

At a Circuit Court continued and
held for Lee County at the Court House
thereof April 2^d 1890.

James Heard & wife

Defts

vs
against

Enoch Heard & wife et al

Defts

In Case

This Cause came on to # # #

On consideration whereof
and for reasons appearing to the
Court, John M. Tate, Orion J. Miller
and G. B. Waller, who are hereby
appointed Special Commissioners
for the purpose, will go on. The
land in the bill mentioned
and first lay off and assign
Martha Heard wife of Enoch Heard
formerly Martha Robinson one third
in rental value of the lands in the
bill mentioned including the
manison house. They will then
lay the said lands off into four
equal parts, including said dower
and so that the said dower will
fall equally on each lot; and
one of these lots they will assign
the female plaintiff, subject to
the dower of said Martha, and
one each to the other children

of John D. Robinson dec'd, subject to
the right of dower.

They will make a plat & report,
showing by meter and bounds
said dower and each lot and that
part of each lot covered by the dower.

They will make report & file with
the same said plat, at the next
term of this Court and the cause
is Continued.

A Copy
Teste J. A. Schmitt ©

James Heard & wife
vs.
J. C. Deane

Enoch Heard & wife

The within notice
was executed by
me, about Oct. 1890
by delivering a
true copy to each
of the cabinmen
named in said
notice
By J. B. Wallen
J. B. Wallen
Sheriff for
the County of

Free for Copies \$1.98

To Judge H. S. K. Morrison Judge
of the Circuit Court of Lee County Va.
Pursuant to an order from your Hon.
Court in the case of James Hard and
Wife Plffs. vs. Enoch Hard & Wife et al.
Left at the April Term 1890.

We the undersigned went upon the
lands in the order mentioned and
found the following plat of land
and proceeded to partition the same
as follows, First- to the Widow Martha
Robinson (now Hard) one third of the
rental value including the dwellinghouse
and out buildings. 2nd We then divided
the whole Estate including the dower, in
to four equal shares so as to let each
share rise or fall on the dower equal
in value.

First- Courses & Bearings of the whole Estate
to wit- Beginning on a planted rock
on the Tenn. & Va. line, corner between
the Late J. S. Robinson and J. H. Robinson. Thence
N. 20. W. 26 poles to a stake. Thence N. 62. E.
81 poles to a persimmon. Thence N 10 1/2 W. 52
poles to a white oak. Thence S. 90 North 18 poles
to a black oak. Thence N. 65. E. 8 poles to a
white oak on top of a spur. Thence N. 9. W
13 poles. Thence N. 29 1/2 W. 66 poles to the
top of ridge Thence N 12 1/2 E. 32 poles.

2

to a post oak. Thence N. $49\frac{1}{2}$ E. 26 poles
to a black oak and post oak. Thence N. 75 E.
42 poles. Thence N. 52 E. 17 poles to a chest-
nut corner of Isaac Lawson. Thence S.
 $23\frac{1}{2}$ E. 120 poles to a red oak and two white
oaks on the top of a spur Thence S. 32 E. 42
poles to the south bank of the North fork
road. Thence S. 10 E. 18 poles to a stake. Thence
S. 8 E. 13 poles to a bush and black oak
Thence N. $70\frac{1}{2}$ E. 34 poles to a double bush
on top of a high hill. Thence S. 28 E. 20 poles
to a black oak and dogwood. Thence N. 88 E. 47
poles to a Sycamore on the bank of a branch
Thence S. 27 E. 14 poles to a Sycamore at the
mouth of said branch. Thence S. 15 W. 29
poles crossing North fork to bush on south
bank. Thence S. 25 E. 38 poles to the State line
on the north side of a high mob. Thence
S. west 237 poles to the beginning
Containing 208 Acres

We then ran off to the Widow to wit
Martha Hurd. The following plat of land
to wit: Beginning on a bush near the
south bank of the North fork ~~and~~ creek
a corner between Isaac Hurd and Isaac
Lawson Thence S. $80\frac{1}{2}$ W. 67 poles to a black
walnut near the creek on a rock Thence
N. 65 W. 30 poles to a marked sugar tree

Thence due west 84 poles to a planted rock on the grave-yard hill, N. 35. W. 16. 8. passing a marked black walnut to a planted rock near the barn, S. 62. W. 27 poles to a persimmon J. W. Tankersley corner. Thence on the same degree 11 poles to a stake S. 20. E 26 poles to the State line the Beginning corner of the said Estate Thence East 217 poles with the Tenn. line to Isaac Hendricks corner, N. 25. W. 38 poles to the Beginning containing 37 Acres.

We then proceeded to divide the whole estate in four equal shares so as to let each share rest equally on the Dover as near as we could.

First

To William Robinslot lot No. 1. Beginning on a persimmon corner of J. W. Robinslot's land or Geo. Tankersley's Thence S. 62. W. 11. poles to a stake corner of the whole tract and J. H. Robinslot, S. 20. E 14. poles to the N. H. road N 49 E with said road 32 poles to a planted rock N. 14. W. 182 poles to the top of a ridge on a black oak and post-oak S. 49. W. 26 poles to a post oak, S. 12 1/2. W. 32 poles to a corner of said Tankersley land on top of a high knob, S. 29 1/2. E 66 poles, S. 9. E 13 poles to a white oak S. 65. W. 8. poles to a black oak Thence due South 18 poles to white oak S. 10 1/2. E 52 poles to the Beginning containing 35 acres

Second To Laura Robins lot No. 2. Beginning on a stake in the Tenn. line on the bank of the N. T. of Clinch near the Scott & Lee line Thence N. 23. W. 113 poles to a black gum and blackoak also whiteoak on a spur N. 10 1/2 W 140 poles to a whiteoak and double blackoak on the top of a ridge. S. 75. W. 42 poles to the N. E. corner of lot No. 1. S. 14. E 182 poles with line thence to the N. T. road S. 49. W. with the road 52 poles to J. H. Robins line S. 20. E 11. poles to the Tenn. line Thence East with the same line to the Beginning. Containing 63 acres

Third To Sarah Robins lot No. 3 Beginning near the Scott & Lee corner on the Tenn. line corner of lot No. 2. Thence N. 23. W. 113 poles with the line of lot No. 2. to a whiteoak black gum and blackoak. on a spur N. 10 1/2 W. 140 poles to a whiteoak & double blackoak on top of a ridge N. 52. E. 17. poles to a chestnut oak John Lawsons corner S. 23 1/2. E. 120 poles to a red oak and two whiteoaks on top of a spur. S. 32. E. 42 poles to the South bank of the N. T. road S. 65. W. 19 poles to a stake S. 15. E. 31. poles to a blackoak and buck near the top of a spur S. 25. E. 65 poles crossing the same fork to the Tenn. line Thence West 40 poles to the Beginning. Containing 55 acres

Fourth To Elisabeth Robins lot No. 4. Beginning

on a flinted rock on the south side of
 the N.H. road Osham Lawson's corner S. 10. E. 18.
 poles to a stake, S. 80. E. 13. poles to a beech and blackoak
 thence N. 70 1/2 E. 34 poles to a double beech on top
 of a high hill, S. 28. E. 20 poles to a blackoak and
 dogwood, N. 88. E. 47 poles to a sycamore on the
 bank of a branch, S. 27. E. 14 poles to a sycamore
 at the mouth of said branch, S. 15. W. 29. poles
 crossing the said North Fork Creek, to a beech
 on the south bank, S. 25. E. 38 poles to a beech on
 the Tenn. line and with said line West 91
 poles to a corner of lot No. 3. N. 25. W. 65 poles
 to a beech and blackoak near the top of a hill
 thence N. 15. W. 31. poles to a stake thence N. 65. E.
 E. 19. poles to the Beginning containing 5 1/2 acres
 We next made the following plat so as
 to show First, the whole Estate, which is given
 in the out set of this report. Second, the dower
 which is shown second in this report, and
 then the whole Estate including the dower, we
 lay down in said plat showing each division,
 and how each lot rests upon the dower, all
 will be seen by reference to the plat, which
 is marked by name and by reference to the
 bearings no trouble will be found in
 finding the exact way we have done
 our work after we have done this we have
 laid down all the parts separate and apart

from each other so that any of the heirs or widow can get a plat of their shares at any time called for. The Bower is shown by a dotted line thus, and the name or word Bower will be found written on the parts of the lots resting on the Bower.

Respectfully Submitted

A. J. Miller

G. B. Wallen

ms

J. M. Tate

} Com.

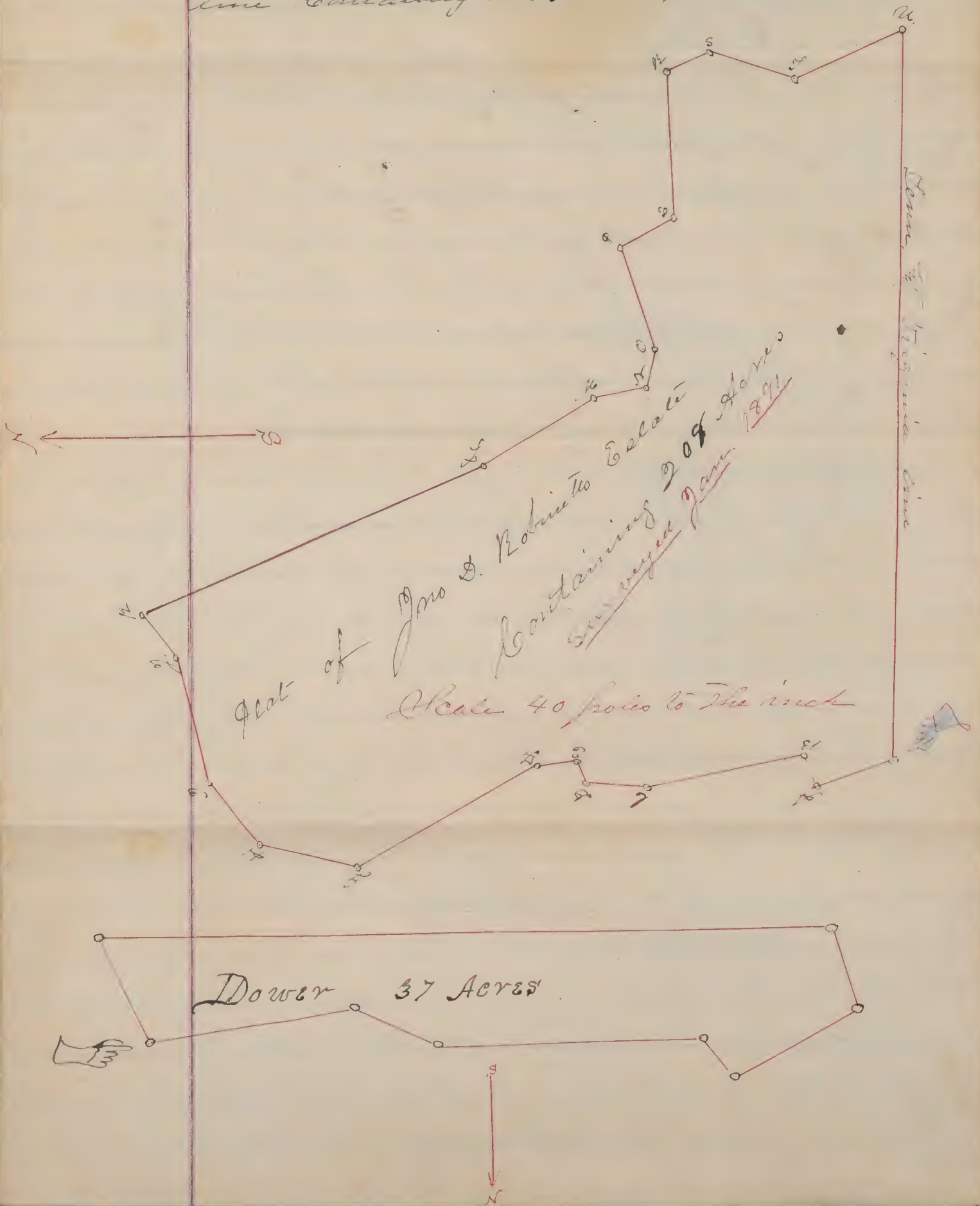
Bill of costs

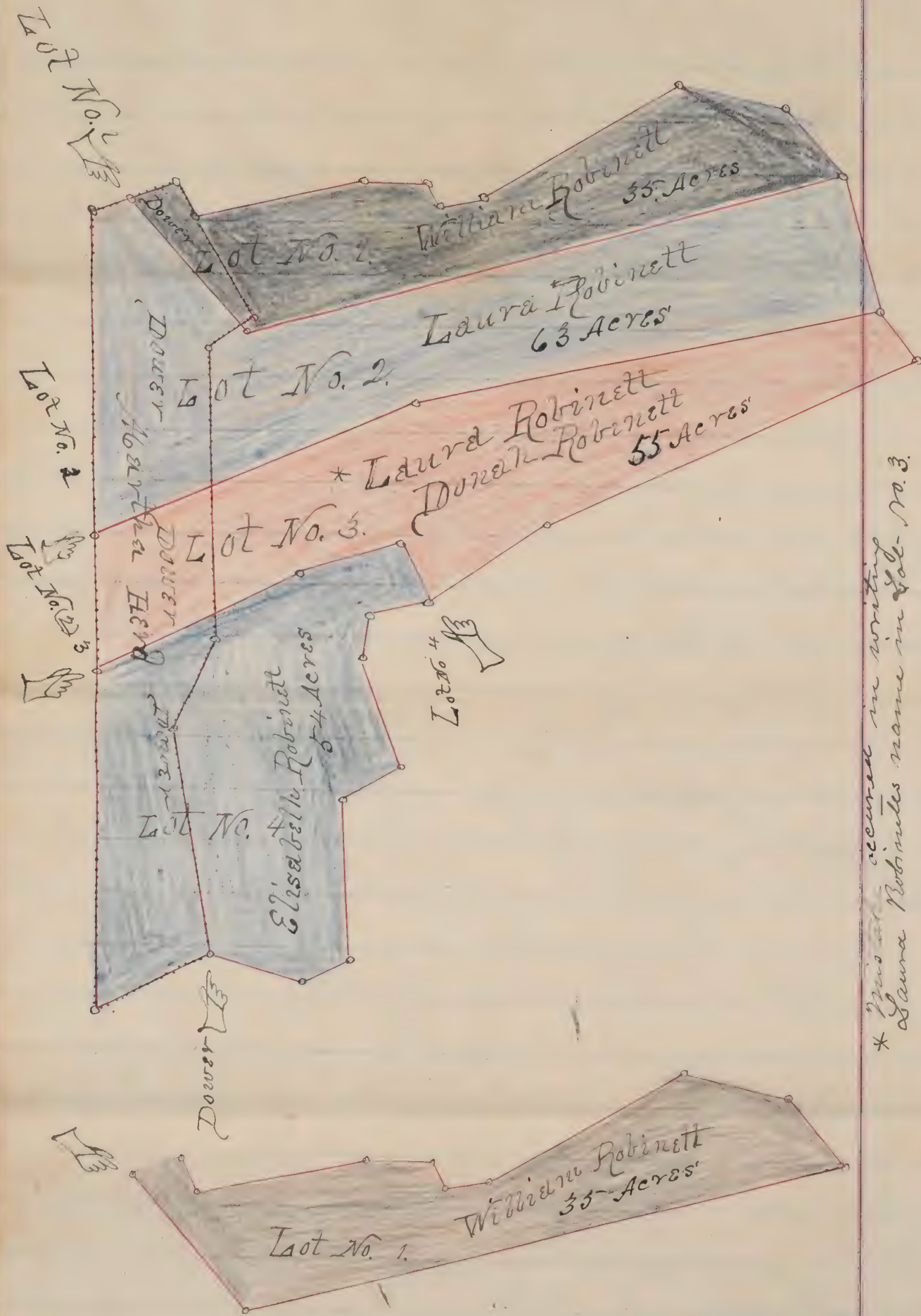
A. J. Miller	4 1/2 Days at \$2.	\$9.00
G. B. Wallen	4 1/2 " " "	9.00
Tate J. M. Surveyor	4 1/2 " " "	9.00
<i>ms</i> Making out plat & Report-		3.00
No other cost charges		
		<u>\$30.00</u>

A. B. J. H. Robinson to have half
Tate's fee for field services in
making the survey.

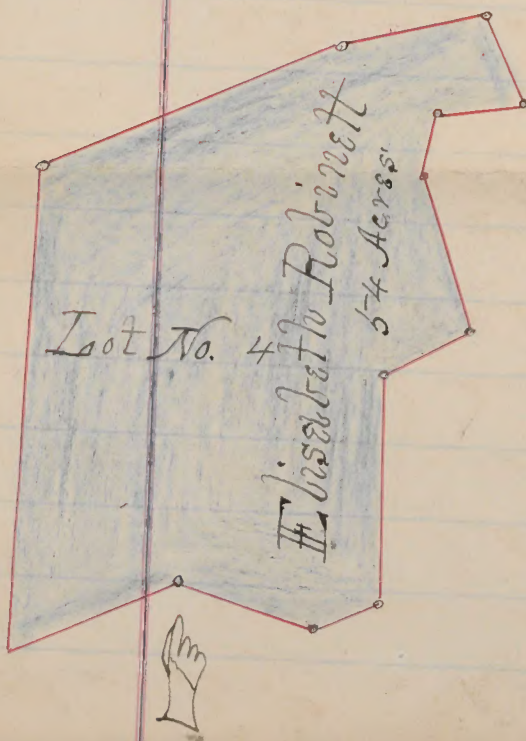
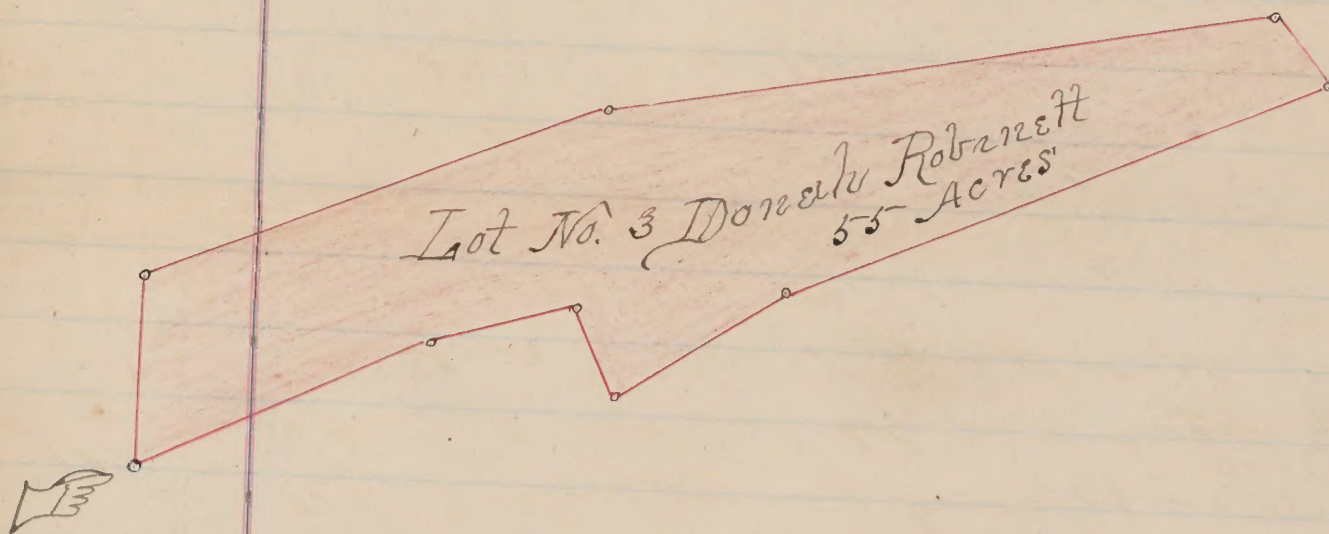
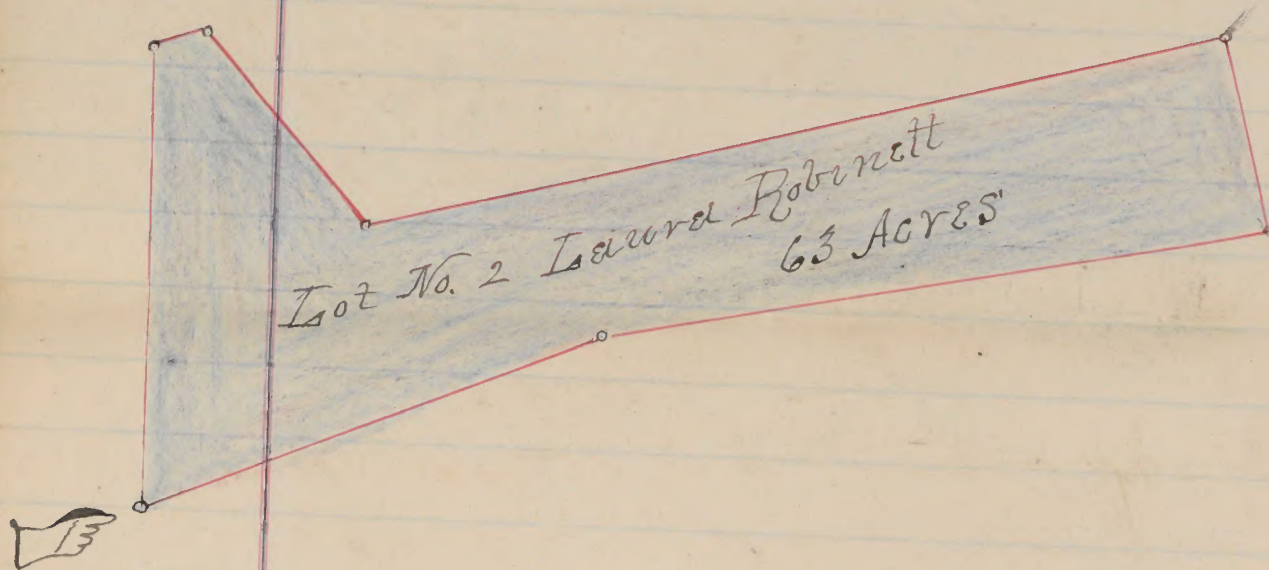
J. M. Tate

The following plat shows the whole tract
Beginning at ~~the~~ ^{the} same to A. B. C. D. E. F. G. H. I. J. K.
L. M. N. O. P. Q. R. S. T. U. and to Beginning on Tenn.
line containing 208 acres.





* Name occurred in writing
Laura Robinettes name in Lot No. 3.



James Herd & Wife
vs { In Chancery

Enoch Herd & Wife et al

Commissioners Report

Filed. Dec. 10/1890.

J. H. S. Hyatt

Courts 30¢

The Commonwealth of Virginia.

To The Sheriff Of Lee County, Greeting:

We Command You to Summon Enoch Herd and

Martha Herd his wife, William
Robinet, Elizabeth Robinett and
Donie Robinett

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in March next, being rule day to answer a bill in Chancery exhibited in our said Court

against them by James Herd
and Laura Herd his wife, an infant
who sues by James Herd, her
husband and next friend

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 21st day of February 1890, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

A. L. P.

James Herd & wife
vs $\frac{3}{3}$ Spachey

Enoch Herd & wife et al

Lo 1st March July 1890.

Executed by
deputizing office
copies of this
Spa to Martha Herd
wife of ~~Enoch~~ ^{James} Herd
member of his family
over 16 years of age
and by giving full
information as to its
purport Enoch Herd
not being found at
his usual place of
abode this the 2nd of
March 1890

L B Wallen Dep
for A B Muncy
S L C